

PLANNING BOARD MINUTES

April 25, 2016

Call The Meeting to Order

Chairman Stephen Johnson called the meeting to order at 7:05 P.M. in the Town Hall Auditorium. Present at the meeting were, Robert Fowler, Nancy Reed, Vincent Fratalia, Keith Anderson, Director of Community Development Steve Sadwick and Recording Secretary Dawn Cathcart.

(A) Approval of Minutes – March 7, 2016

MOTION - Mr. Fratalia made a motion to approve the Planning Board minutes of March 7, 2016 as presented. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

(B) Committee Reports/Administrative Actions

(B1) Committee Reports

(B1.a) Town Center Master Plan Committee Report

Jonathan Ciampa for the Town Center Master Plan Committee appeared for discussion of the requested funds. Mr. Ciampa stated that a letter dated April 21, 2016 from Bruce Panilaitis was submitted requesting the funds.

Mrs. Reed stated that she has been the biggest supporter of the Town Center work. Her concern was the inclusion of other town boards especially the Planning Board and Historic Commission. We were left out of the process and it seems there is bad communication within the Town and the Boards. The money is to be used at the Planning Board's discretion and she was part of that committee to get the mitigation funds.

Mr. Fratalia thanked the committee for all the hard work and he has no problem with giving the additional funds and asked that a presentation be given to this Board.

Mr. Fowler stated that in the mitigation fund spreadsheet, it states that there is \$50,000 for sidewalks and where will these be constructed. Mr. Sadwick stated that is not under the Planning Board sidewalk fund, it is a separate fund. He suggested that a representative from the Planning Board, the Town Manager and the DPW meet to discuss the sidewalk fund from Hanover and National Grid projects. Mr. Fowler stated that they asked the DPW last year to finish the sidewalks on Pleasant Street while they were repaving it and nothing happened.

Mr. Ciampa stated that the report was just finalized because we needed to get something official to Mass DOT. Once we get their ok, then we will reach out to the other Boards and Committees.

Mr. Anderson asked what the timeframe is for the study. Mr. Ciampa replied they want to immediately get the consultant on board and it should take one to two months. Mr. Anderson asked how long after that will the project actually get started. Mr. Ciampa replied that he would have to fall back to the Town Manager and Selectmen to determine that. Mr. Anderson asked if this was enough money. Mr. Ciampa replied yes, for this particular project.

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Mr. Johnson added that they are also looking at land for a potential new Center Fire Station.

MOTION - Mrs. Reed made a motion to grant the request by the Town Center Master Plan Committee and transfer \$13,200 from the Hanover Mitigation for the consultant to continue with the developing the Town Center Master Plan and requested that the a presentation be given to the Planning Board and that the Planning Board be kept in the loop on how the funds are spent. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

(B2) 1768 Main Street, Non-Substantial Change

Jim Dean appeared for the non-substantial change at 1768 Main Street. Mr. Dean stated that he came before the Board at the last meeting and the Board was not pleased with the proposed changes to the façade. A new plan was submitted and they are proposing keeping the overhang façade but changes are proposed to the door.

Mr. Fowler stated that the plan submitted for tonight still references demolishing the front of the building. Mr. Dean stated that note for the demo is only for the store front, not the façade and the note will be updated.

Mr. Anderson stated that he is ok with the new plan.

Mrs. Reed agreed that the changes presented on the new plan is better and keeps the similar design with the rest of the building. Mrs. Reed stated that she agrees the note should be changed.

Mr. Fratalia agreed also. Mr. Johnson agreed that this design fits with the rest of the building.

MOTION - Mr. Anderson made a motion to accept the changes as non-substantial and approve the changes to the front door as requested with the correction to the note as discussed. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

(B3) 1700 Shawsheen Street, Non-Substantial Change

Attorney Richard O'Neill and Joseph Germano appeared for the non-substantial change for 1700 Shawsheen Street. Attorney O'Neill stated that pictures were given at the last meeting. Since the last meeting, there have been several of the signs removed including a sign on the garage door and several free standing signs at the entrances.

Mr. Fowler stated that he did visit the site. The signs on the building (Signs #5-11) on how to use the equipment are ok with him. The A-frame signs are not allowed and should be removed.

Mrs. Reed stated that the sign that is in the shrubs should be removed (Sign #1) as well as Sign #3. Sign #2 is ok in her mind and Sign #4 was already removed. The sign on Shawsheen Street (#13) should also be removed. Signs #19 and #20 could be smaller. Attorney O'Neill stated that Sign #19 was removed.

Mr. Fratalia stated that there are three internal signs right in a row. Mr. Germano stated that the middle sign was removed today.

Mr. Fowler stated that he visited the site today and the fence and tripod signs were taken down. Sign #20 was mentioned in the violation letter that it is too close to the lot line. Attorney O'Neill stated that sign is needed.

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Mr. Anderson asked what the status of the permits and setbacks are for the signs. Mrs. Reed stated that we need to decide which signs should be kept and then they will apply for a permit.

Mr. Johnson stated that he is glad Sign #19 is removed. The location of Signs #15 and #20 makes sense. Signs #1 and #3 should be removed. Mr. Fowler agreed.

Attorney O'Neill stated that Signs #1 and #3 are not their signs but they will remove the car wash sign from Sign #3.

Mr. Fowler stated that the signs in possible setback conflicts need to be addressed.

Mr. Sadwick asked what the non-substantial change that is being requested is. Attorney O'Neill stated that they are looking to modify the original Site Plan Special Permit. Mr. Sadwick suggested if a Sign Special Permit would be a cleaner way to address all the signs on site. Attorney O'Neill stated that Energy North is coming in with a Sign Special Permit for the rebranding signs, so we could include our signs with theirs.

Mr. Johnson stated that the applicant should make sure that Sign #2 is added to that plan.

(B4) 0 Ames Pond Drive, ANR

Mr. Sadwick stated that we received correspondence regarding this ANR and a copy was given to the applicant. Mr. Fowler stated that this is a confusing road.

Dick Cuoco, Jim Hanley and Marc Ginsburg appeared for the ANR for 0 Ames Pond Drive. Mr. Cuoco stated that they went to the Assessor's office and this is also known as Radcliff Road. There is a proposal before Town Meeting to change the zoning. This ANR is for two lots. Both lots have at least one acre with 150' of frontage.

MOTION - Mr. Fowler made a motion to endorse ANR with the understanding that the road is also known as Radcliff Road. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

(B5) Longmeadow, ANR

Andrew Zaroulis appeared for an ANR on Longmeadow Drive.

MOTION - Mrs. Reed made a motion to endorse the ANR for Longmeadow Drive as presented. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

(B6) 155 East Street/Pike House Preservation Discussion

Mr. Johnson stated that this discussion tonight will not change the vote for Town Meeting.

Attorney Plunkett and James Andella appeared before the Board to discuss the preservation of the Pike House. Attorney Plunkett stated that this is an administrative action for open dialogue. They are looking for direction on the preservation of the Pike House and what type of process is required to commit to the preservation. Attorney Plunkett stated that he looked at the file for the Marshall House and the only record in the OSRD Special Permit was that it be preserved.

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Mrs. Reed stated that they received approval from the CPC for \$32,000 to preserve the Marshall House but it was up to the owners if they wanted it. Attorney Plunkett stated that there is nothing recorded. Mrs. Reed stated that the work was done by the Historic Commission and the Massachusetts Historic Commission with Mr. Ginsburg, not the Planning Board. If you are requesting CPC funds, then a restrictive covenant should be done. Attorney Plunkett stated that he agrees and will come back after Town Meeting if this is approved.

Mr. Johnson stated that this is unusual with tying zoning to a building and we need to find out what part of the building will be preserved. Mr. Fowler stated that the main box with the copula and front porch should be preserved because the addition to the right side was added later. Mr. Andella added that they will be saving the addition to the left side for egress to the second floor. Mr. Johnson stated that the “original” Pike House should be preserved.

Attorney Plunkett stated that there is a means to preserve the Pike House through the Special Permit process. Mrs. Reed stated that she has doubts of preserving it through the Special Permit process but there should be a preservation component. Attorney Plunkett stated that they are willing to commit to the preservation of the pike House as part of the Special Permit process. There will be private funds used upfront and then they will apply for CPC money after the Town Meeting in the fall.

Mr. Johnson stated that this Board should have input but other Committees, such as the Historic Commission should give the language for the preservation.

Mr. Fratalia asked if this was putting the cart before the horse. It needs to pass at Town Meeting first.

Mr. Anderson stated that he was opposed to this and still is.

Mr. Fowler asked if this is approved at Town Meeting then there should be specific components of what is going to be preserved. Mr. Sadwick stated that we have not done that in the past, but we can look at it. Mr. Sadwick added that enforcement is always a struggle.

Mr. Andella stated that he is the only one with a proposal to try to save the Pike House. He is going to spend \$500,000 to move this and it is a unique situation. Mr. Johnson stated that he is not disputing the efforts being made. If this passes at Town Meeting, we could discuss it further in a working session.

(C) 15 Starbird Avenue, Arnie Martel for Marsha M. Hunt Special Permit and Definitive Subdivision Continued

Dick Cuoco, Arnie Martel and James Hanley appeared for the continued Special Permit and Definitive Subdivision at 15 Starbird Avenue. Mr. Hanley stated that the last time they met was on March 7th and there were a handful of items from the DPW remaining. They believe they have addressed the issues.

Mr. Anderson stated that it seems like the items have been addressed.

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Mr. Fowler stated that there still seems to be a difference of opinion on Item #1. Mr. Hanley agreed but the DPW is willing to work with us in the field on not hold up the permit process. Mr. Cuoco stated that they are comfortable with spirit of communications from the DPW. Mrs. Reed stated that we can state that the Planning Board encourages the pole to remain and she is all set if the other issues can be worked out.

Mr. Fratalia asked if the road will remain private. Mr. Hanley replied yes. Mr. Fratalia stated that the pavement is the better option and the pole should not have to be moved. Mr. Sadwick stated that he did a site visit with the DPW, Town Engineer, and Town Manager to look at the pole and trench and there are some jurisdiction issues. The Planning Board controls the subdivision rules and regulations on unaccepted roads but the DPW controls the accepted roads. A 24' road is desired by the DPW but they may accept less on a case by case basis.

There were no questions from the audience.

MOTION - Mr. Anderson made a motion to close the public hearing for 15 Starbird Ave. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

MOTION - Mr. Anderson made a motion to approve the requested waivers as listed on the plan on Note #22 to include:

1. Section 8.1.15 – “T” Turn around instead of cul-de-sac.
2. Section 8.1.10 – Reduced pave surface from 24' to 20' and reduction of rate of curvature for a SAG vertical curve from 30 to 8.
3. Section 9.4 – Eliminate curbing, Section 9.5 – Eliminate sidewalks and grass strips, Section 9.6 – Eliminate street lights and Section 9.7 – Eliminate street trees.
4. Section 8.1.7 – Eliminate the 25' side line radius at the intersection of proposed road and Starbird Ave
5. Section 19.043 of the General Bylaws – Relief from Chapter 19 – Stormwater Management and Erosion Controls.

The motion was seconded by Mr. Fowler and unanimously voted 5-0.

MOTION - Mr. Anderson made a motion to approve the Special Permit and Definitive Subdivision for 15 Starbird Avenue as presented with the inclusion of the approved waivers and subject to final approval of the DPW. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

Mr. Anderson left the meeting.

(D) 2550 Main Street, Verizon Wireless Communications for Ronald White and Thomas Ratacik – Continued Special Permit

MOTION - Mr. Fowler made a motion to accept the withdrawal of the Special Permit for 2550 Main Street without prejudice. The motion was seconded by Mr. Fratalia and unanimously voted 4-0.

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(E) **1137 Main Street, 85 Main Street, 600 Clark Road, 1978 Main Street, 937 North Street, 1400 Main Street, 1788 Main Street, Cellco Partnership d/b/a Verizon Wireless c/o McLane Middleton, PA – Special Permits**

MOTION - Mr. Fratalia made a motion to continue the Special Permits for Verizon wireless until May 9, 2016 at 7:10 PM. The motion was seconded by Mr. Fowler and unanimously voted 4-0.

Mr. Anderson rejoined the meeting.

(F) **Ames Pond Drive, Preliminary Subdivision**

Dick Cuoco, Arnie Martel, Marc Ginsburg and Jim Hanley appeared for a preliminary subdivision discussion.

MOTION - Mr. Fowler made a motion to waive the reading of the public notice. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

Mr. Cuoco stated that a preliminary subdivision plan was submitted. This parcel is 30 acres and is divided by wetlands. The two areas are 17.4 acres and 7.3 acres of uplands.

Mrs. Reed had no questions.

Mr. Fowler stated that there have been numerous proposals of the years including an office building, a casino and MFD and nothing has happened. This site needs to be developed.

Mr. Anderson agreed and asked if they have spoken to the people in Andover. Mr. Cuoco replied yes, they were noticed for the zoning change. This preliminary subdivision will protect the zoning.

Mr. Fratalia stated that the office/research area is not booming and he hopes this passes and a nice project will be developed.

Mr. Sadwick stated that MGL, Chapter 41, Section 81S stated that a preliminary plan should have a 45 day notice to the Town Clerk. A vote should be taken.

There were no questions from the audience.

MOTION - Mr. Fowler made a motion to endorse the preliminary subdivision plan. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

(G) **55 Kent Street, James Giasullo Family Suite Special Permit**

MOTION - Mr. Fowler made a motion to waive the reading of the public notice for 55 Kent Street. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

James Giasullo and Kelly Giasullo appeared for the family suite special permit. Mr. Giasullo stated that he is proposing to construct a family suite in the basement for his son.

Mr. Anderson stated that he is always in favor of family suites. Mr. Fowler stated that he is in favor as long as it conforms to the bylaw and egress. Mrs. Reed, Mr. Fratalia and Mr. Johnson had no questions.

There were no questions from the audience.

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MOTION - Mr. Fowler made a motion to close the public hearing for 55 Kent Street. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

MOTION - Mr. Fowler made a motion to approve the family suite for 55 Kent Street as submitted. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

(H) 1438 Main Street, 1438 Main Street, LLC for Nitish Nahata Sign Special Permit

MOTION - Mr. Fowler made a motion to waive the reading of the public hearing notice for 1438 Main Street. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

James Hanley and Nitish Nahata appeared for the sign special permit for 1438 Main Street. Mr. Hanley stated that Site Plan Special Permit for this site was approved on February 11, 2015 and construction is ongoing. They are proposing a free standing sign that will have an LED portion. A rendering has been submitted.

Mrs. Reed stated that waivers would be required for this sign from Section 5232. She is not in favor of this large of a sign for this location.

Mr. Fratalia stated that he is concerned with the LED portion and the flashing of the sign with the bad curve of Main Street.

Mr. Nahata stated that his business will occupy 51% of the building and he wants to attract local business. Mr. Hanley added that the sign is located away from the entry to the site.

Mr. Anderson stated that he does not agree this site needs an LED message board. He would like to see a smaller sign, lower in height that won't affect the immediate neighbors. This corner is very dangerous.

Mr. Fowler stated that he is also concerned with the height. It is a beautiful sign but it does not need to be that high. He suggested reducing the base and reducing the sign panels. The LED will directly affect the neighbors.

Mr. Johnson stated that in general, he is in favor of the LED signs but this site he is not. The size of the sign could be reduced, the sign could be lower as Mr. Fowler suggested and perhaps the peak of the sign could be lowered as well. He likes the concept but it is big for this site.

Jane Alcott of 177 Patrick Road – Ms. Alcott stated that this project affects 50 homes. This is not the building that was presented to them. They have been lied to and they are building on their property. No notice was given for this and there are now water issues. Mr. Johnson stated that this hearing is just for the sign as far as location, height, LED, etc.

Mr. Hanley stated that there is the commercial building and the foundation is in the exact location as proposed. There are also four residential foundations that have been staked out and they are in the correct locations on their property.

Mr. Anderson asked if any complaints have been received. Mr. Sadwick replied no, that would be a private matter if the buildings are being built on another property.

Joan Blanchard of 16 Patrick Road – Ms. Blanchard stated that she is concerned with the size of the sign. There is a lot of traffic and the sign will be distracting. We don't need neon signs along Rt. 38.

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Lou Ann O'Keefe of 175 Patrick Road – Ms. O'Keefe stated that the size of the sign is ridiculous and not needed.

Mr. Hanley stated that there is no neon on the sign. The sign mimics the architecture of the building and complies with the bylaw except for the LED portion.

Jack Farley of 1428 Main Street – Mr. Farley stated that he is a direct abutter. The project itself is well laid out and when construction ends it will be a nice commercial and residential mix but there shouldn't be more distraction on Main Street and this sign will be distracting. The sign seems very large for the site and perhaps a smaller sign will work better.

Mr. Johnson stated that where they are proposing the sign, the sign will not block the cars leaving the site.

Mrs. Reed stated that the plan shows that on the tenant signs, only the letters are lit with a darker background. Mr. Johnson stated that we would want to see actual tenant panels, not generic ones. Mr. Fowler stated that by his calculations, he could get the sign down to 12' in height.

MOTION - Mr. Fowler made a motion to continue the Sign Special Permit for 1438 Main Street until May 9, 2016 at 7:20 PM. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

Old Business

There was no old business.

New Business

Mr. Sadwick stated that the Board of Selectmen will meet on Tuesday to discuss the Town Meeting articles and FinCom will meet on Wednesday.

Mr. Johnson stated that he spoke with the two Board members that were interested in being on the Zoning Bylaw Review Committee. Mrs. Reed will be submitted for that committee and come off of the Local Housing Partnership (LHP). Mr. Fratalia will now be the representative on the LHP.

MOTION - Mr. Fowler made a motion to accept Mrs. Reed's resignation from the Local Housing Partnership. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

MOTION - Mr. Fowler made a motion to appoint Mrs. Reed to the Zoning Bylaw Review Committee. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

MOTION - Mr. Fowler made a motion to appoint Mr. Fratalia to the Local Housing Partnership. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

Director's Report

There was no Director's Report.

Adjournment

MOTION - Mr. Anderson made a motion to adjourn the meeting at 9:50 PM. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

Approved on: 6/6/16

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List of documents for 4/25/16 Agenda

Documents can be located at the Community Development Office

- A. 7:00** Approval of Minutes – March 7, 2016
- B. 7:00** Committee Reports/Administrative Actions
- 1- Committee Reports
 - a) Town Center Master Plan Request
 - Letter 4/21/16 fr Bruce Panilaitis to Steve Johnson
 - 2- 1768 Main Street, Non-Substantial Change
 - a. Exterior Elevations Plan; project: Re-Model O'Reilly Auto Parts Store; dated 2/8/16 revised 4/6/16; drawn by Casco.
 - b. Color rendering by Casco.
 - 3- 1700 Shawsheen Street, Non-Substantial Change
 - a. Existing sign photos received 4/25/16
 - 4- 0 Ames Pond Drive, ANR
 - a. Application packet dated 4/15/16.
 - 5- Longmeadow, ANR
 - a. Form A application packet dated 4/22/16
 - 6- 155 East Street/Pike House Preservation Discussion
- C. 7:00** 15 Starbird Avenue, Arnie Martel for Marsha M. Hunt
Continued Special Permit and Definitive Subdivision
- Letter 4/14/16 fr Civil Design including Definitive Subdivision Plans dated 4/14/16 revised 4/14/16.
 - Letter 4/22/16 from Town Engineer.
- D. 7:05** 2550 Main Street, Verizon Wireless Communication for Ronald White and Thomas Ratacik - Continued Special Permit
- E. 7:10** 1137 Main Street, 85 Main Street, 600 Clark Road, 1978 Main Street, 937 North Street, 1400 Main Street, 1788 Main Street
Cellco Partnership d/b/a Verizon Wireless c/o McLane Middleton,
PA – Special Permits
(Applicant requesting to be continued to May 9, 2016.)
- F. 7:10** Ames Pond Drive, Preliminary Subdivision
- Letter dated 4/22/16 from Civil Design including Form B Application and Preliminary Subdivision Plans dated 4/19/16.
- G. 7:20** 55 Kent Street, James Giasullo
Family Suite Special Permit
- Application packet dated 3/17/16.
- H. 7:30** 1438 Main Street, 1438 Main Street, LLC for Nitish Nahata
Sign Special Permit
- Application packet dated 3/24/16.